

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rito
Vallecitos

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT FOR ALL
UNIDENTIFIED AND UNKNOWN WATER RIGHT CLAIMANTS OF INTEREST IN
THE RIO DEL OSO & RITO VALLECITOS OF
SECTION 1 OF THE RIO CHAMA STREAM SYSTEM**

THIS MATTER is before the Court on Plaintiff, State of New Mexico's *Motion for Default Judgment for All Unidentified and Unknown Water Right Claimants of Interest to Surface Waters for Irrigation Purposes of the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System filed April 3, 2017* (Doc. 11251) ("Motion"). The State of New Mexico ("State") requests that the Court grant judgment against Unidentified and Unknown Water Right Claimants of Interest to Surface Waters for Irrigation Purposes of the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System, finding that those Defendants have no surface water irrigation rights in the Rio del Oso and Rito Vallecitos Section 1 of the Rio Chama Stream System and barring any future claims of right that may arise.

Being fully advised in the premises, the Court finds:

1. The June 28, 2016, *Procedural Order for the Adjudication of Water Rights Claims in the*

Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System at ¶ IV(C) (No. 11119) mandates that any individual claiming water rights with the Rio del Oso & Rito Vallecitos whose claims were not included in the State's Hydrographic Survey file statements of omitted claims with the Court on or before December 5, 2016.

2. The Court has jurisdiction over Unidentified and Unknown Water Right Claimants of Interest to Surface Waters for Irrigation Purposes of the Rio Del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System as shown by the *Proof of Publication of Notice of Pendency of Suit for the Rio del Oso & Rito Vallecitos of Section 1 of the Rio Chama Stream System* filed September 27, 2016 (Doc. No. 11156).

3. These unidentified and unknown claimants of interest are in default for failure to appear, answer, or otherwise submit any statements of claim.

4. No responses to the State's Motion have been filed.

IT IS ORDERED, THEREFORE, that the State's *Motion for Default Judgment for All Unidentified and Unknown Water Right Claimants of Interest to Surface Waters for Irrigation Purposes of the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama Stream System*, Doc. 11251, filed April 3, 2017 is **GRANTED**.

IT IS FURTHER ORDERED that all claims to surface water irrigation rights in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System brought by these unidentified and unknown water right claimants of interest are barred from consideration by this Court in these proceedings.

IT IS SO ORDERED.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

